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November 10, 2011

BY FAX

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Honorable Harold Baer  
 United States District Court  
 Southern District of New York  
 500 Pearl Street, Chambers 2230  
 New York, New York 10007  
 Fax: (212) 805-7901

Re: *MacLaren Europe Limited v. ACE American Insurance Company*  
 Case No.: 1:11-cv-04688-HB  
 Our File No.: 01560-007753

Dear Judge Baer:

This firm represents the defendant, ACE American Insurance Company ("ACE"), in the above-referenced matter currently pending before the Court. We write in order to request permission to withdraw ACE's pending Motion to Dismiss.

On October 20, 2011, your Honor responded to our October 19, 2011 letter which addressed ACE's Motion to Dismiss briefing schedule (See Attachment "A"). Specifically, your Honor stated that it was likely that any decision on ACE's Motion to Dismiss would come "while you are gearing up for the motion for summary judgment and just provide more hours of work for all of us..." After discussing this issue with Plaintiff, both parties agree that withdrawing ACE's Motion to Dismiss and proceeding towards potential summary judgment would be the most efficient approach to resolve this case.

On November 9, 2011, we discussed this matter with your Honor's law clerk, Eric Malis. Mr. Malis directed us to submit this letter regarding our request to withdraw ACE's Motion to Dismiss.

Therefore, we respectfully request permission to withdraw ACE's Motion to Dismiss, and proceed with discovery. Accordingly, ACE shall submit an answer after the motion has been withdrawn.

Very truly yours,



Thomas Orofino  
 Sedgwick LLP

NY/755268v1

*Permission to withdraw granted*  
*SO ORDERED:*  
*Harold Baer, Jr., U.S.D.J.*  
*Date: 11/19/11*

Endorsement:

Permission to withdraw granted. I anxiously await summary judgment papers.